



Department of Energy  
Richland Operations Office  
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Richland, Washington 99352

0071305

06-AMCP-0313

SEP 29 2006

Mr. Jay J. Manning, Director  
State of Washington  
Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504

Mr. R. Kreizenbeck  
Regional Administrator  
U.S. Environmental Protection Agency  
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1200 Sixth Avenue  
Seattle, Washington 98101

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OCT 20 2006  
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Addressees:

CHANGE CONTROL FORM M-91-06-01 MODIFICATION OF HANFORD FEDERAL  
FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT)  
M-91 SERIES MILESTONES

The purpose of this letter is to transmit a U.S. Department of Energy (DOE) Richland Operations Office (RL) signed Tri-Party Agreement M-91-06-01 Class I Change Control form for regulator signatory approval. The change control form revises the M-91 series milestones to reflect experience gained through execution of the milestones to date and changes to the assumptions that formed the basis for the original milestones that were agreed to by the agencies in 2003. The State of Washington Department of Ecology (Ecology) is the lead agency for this milestone series; however, the change package is being submitted to both the U.S. Environmental Protection Agency (EPA) and Ecology because changes to definitions have been made to the major milestone and therefore a Class I change control form with approval by both agencies' signatories is required.

This Class I Change Control form is being submitted in accordance with Tri-Party Agreement Article VIII and Action Plan Section 12.0 in regard to Interim Milestone M-091-42, requirement 4 to treat or certify 3,000 cubic meters of Transuranic mixed (TRUM) waste by December 31, 2006, that will be missed. RL recognizes the Tri-Party Agreement and the Hanford Site Tri-Party Agreement Public Involvement Community Relations Plan will require the agencies to determine if a major milestone change is significant and requires public comment; however, in order to comply with Tri-Party Agreement Article VIII this signed change control form is being submitted to the signatories 90 days in advance of the Tri-Party Agreement Interim Milestone M-091-42 due date.

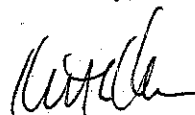
SEP 29 2006

RL has made excellent progress in meeting the Tri-Party Agreement M-91 Series Milestone requirements since the milestones were renegotiated in 2003, with over 25 milestone requirements being met on time, including annual volumes for treatment of mixed low-level waste and retrieval of suspect TRUM waste. Good progress has also been made in certification of transuranic waste, but RL recognized in the Fall of 2005 that a number of conditions had changed relating to meeting the TRUM waste "contingent" milestones for treatment or certification of TRUM waste. Specifically, newly generated volumes of transuranic waste were significantly less than forecast and additional work would be required to repackage and certify transuranic waste generated from retrieval operations. RL proposed submitting a Tri-Party Agreement change package addressing these issues prior to the milestones going into affect; however, Ecology requested that the changes to the contingent milestones be addressed in conjunction with other needed changes to the entire M-91 milestone series. Consequently, RL entered into "good faith" technical discussions to revise the M-91 milestone series with Ecology and EPA Region 10 staff in October 2005.

The discussions included an updated evaluation of waste in storage and forecast as well as including consideration of waste processing experience gained since the start of suspect TRUM waste retrieval in 2003. New waste projections and work-off schedules were discussed extensively and multiple draft change packages were provided during the seven months of discussions. Some agreements were reached during these discussions, such as allowing concurrent retrieval from multiple burial grounds and extending the due date for revision of the M-91-03 Project Management Plan. Tri-Party Agreement change requests have been approved to address these two items. However, agreement on how to address the changed conditions and proposed revisions to the milestones was not achieved. In the Spring of 2005, Ecology staff requested that RL submit a signed change package which would allow the parties to formally enter into the Tri-Party Agreement change process. Additionally, Ecology conducted an inspection related to the TRUM certification requirements of Tri-Party Agreement Milestone M-91-42 and issued a letter to RL dated August 24, 2006, with three concerns regarding the Compliance Inspection of Tri-Party Agreement Milestone M-91-42 conducted on April 17, 2006. The concerns generally relate to meeting the current milestone certification schedule. For reasons discussed above and in the change package this milestone requires adjustment. RL plans to address these concerns in separate correspondence.

We are looking forward to continued dialogue within the Tri-Party Agreement process to develop a mutually agreeable Tri-Party Agreement M-91 Change Control package that includes achievable commitments based on current information and conditions. If you have any questions, please contact me, or your staff may contact Matt McCormick, Assistant Manager for the Central Plateau, on (509) 373-9971.

Sincerely,



Keith A. Klein  
Manager

AMCP:GLS

Attachment

cc: See Page 3

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cc w/attach:

G. Bohnee, NPT

N. Ceto, EPA

L. J. Cusack, Ecology

S. Harris, CTUIR

J. Hedges, Ecology

R. Jim, YN

T. M. Martin, HAB

R. D. Morrison, FHI

K. Niles, ODOE


R. E. Piippo, FHI

K. M. Quigley, DFSH

D. Singleton, Ecology

Administrative Record (M-91)

Environmental Portal

<b>Change Number</b> M-91-06-01	<b>Federal Facility Agreement and Consent Order</b>  <b>Change Control Form</b>  Do not use blue ink. Type or print using black ink.	<b>Date</b> 9/08/2006
<b>Originator</b> Mark French <b>Phone</b> (509) 373-9863		
<b>Class of Change</b> <input checked="" type="checkbox"/> I – Signatories <input type="checkbox"/> II – Executive Manager <input type="checkbox"/> III – Project Manager		
<b>Change Title</b> Modification of <u>Hanford Federal Facility Agreement and Consent Order (Agreement) M-91 Series</u>		
<b>Description/Justification of Change</b>  The Parties have held discussions to re-assess the M-91 commitments established in 2003 that were based on inventory volumes, future generation projections, and assumed condition of retrieval waste packages from the December 2002 timeframe. Actual experience managing the waste since the Summer and Fall of 2003 when most of the milestones were established has found that: (1) Actual volume of newly generated Transuranic waste has been less than the planning basis established in 2002. (2) The near term forecast for transuranic waste generation is significantly lower than the 2002 planning basis primarily due to reprogramming of PFP decontamination and decommissioning activities. (3) Waste requires more resources to treat and repackage than assumed in 2002. (4) The drums that are being retrieved have been found to be in worse condition than assumed in 2002. The original assumption from 2002 was only 10% of the drums would require overpacks. Processing experience to date has shown that 35% of the drums have been overpacked. It is forecasted from the 2005 data that 95% of the drums still to be retrieved will require overpacks. (Continued on page 2)		
<b>Impact of Change</b>  The changes made by approval of this change request do not impact the health and safety of the workforce and do not impact the environment.		
<b>Affected Documents</b>  The <u>Hanford Federal Facility Agreement and Consent Order</u> , as amended and Hanford Site internal planning management, and budget documents (e.g., USDOE contractor Baseline Change Control documents; Multi-Year Work Plan; Sitewide Systems Engineering Control Documents; Project Management Plans, and, if appropriate, LDR Report).		
<b>Approvals</b>		
Ecology   DOE-RL	Date  9/29/06 Date	____ Approved ____ Disapproved  <input checked="" type="checkbox"/> Approved ____ Disapproved
EPA	Date	____ Approved ____ Disapproved

**Description/Justification of Change (cont)**

Based on the Parties assessment of the December 2005 inventory volumes, future generation data and experience managing waste, modifications to M-91 commitments are required and are being accomplished by this change request. The change request updates the major milestone definitions and eight interim milestones. Among the updates to the definitions are clarification of the meaning of "large containers", adding a definition of certification since certification milestones became effective in 2006, and updates to the retrieval definitions based on plans to start retrieval in burial ground 218-W-4B in fiscal year 2007.

One of the purposes of preparing the engineering study and functional design criteria (ES/FDC) which are being submitted to Ecology in accordance with the M-91-03 Project Management Plan by September 30, 2006, is to start bounding the size of the project. The complexity and cost of any major project cannot be known until ES/FDC activities near completion. Completion of the ES/FDC has identified that the complexity and cost for obtaining the M-91-01 capabilities/facilities are much greater than originally estimated. In addition, the complexity and size dictate a more rigorous project management approach including funding this project as a capital line item project. The result of these factors is that the completion date for obtaining the M-91-01 capabilities/facilities is being extended to 2016.

Significant changes have been made to M-91-15, which has the acquisition of facilities/capabilities for some large size CH MLLW accelerated to 2007 and the acquisition of facilities/capabilities for RH MLLW and MLLW in containers greater than 35 cubic meters in size moved to 2016 to be consistent with completion of the M-91-01 facility. While it is anticipated that it will be possible to designate all or the vast majority of generated waste prior to 2016, the date for completion of designation of all of the stored/generated RH and large container waste has been extended to 12/31/16 in case the M-91-01 capabilities are needed in order to accomplish designation of some of this waste.

Waste treatment/certification rates have also been modified. M-91-42 has been modified to reflect the December 2005 data with CH TRUM generation and treatment/certification rates. M-91-43 has been modified to reflect the 2005 data with large container MLLW smaller than 35 cubic meters being treated at a rate of approximately 200 cubic meters per year through 2012. Treatment of the volume of waste anticipated to be treatable through commercial facilities is level loaded through 2012 to efficiently use resources while maintaining the commercial capability. After that time the limited amounts of this commercially treatable waste produced would be treated as generated. The larger M-91-43 MLLW (greater than 35 cubic meter size) and RH MLLW will be treated in the M-91-01 facility when it is completed in 2016. Treatment of this waste is proposed at a rate of 300 cubic meters per year. M-91-44 has been modified to reflect the 2005 data which indicated more RH and Large size Transuranic waste is forecast than originally planned in 2002. Processing of this waste will occur in the M-91-01 facility. To assist in trouble-shooting, and optimizing container handling and processing using as-low-as-reasonably achievable concepts, initial operation of the M-91-01 facility is proposed to focus

primarily on large container MLLW. RH and large container transuranic waste processing will be phased in with 200 cubic meters being processed between the start of operations in 2016 and June 30, 2018 when full RH and large size processing rates will be achieved. Due to the higher than originally planned volume and the later than originally planned facility start, the proposed processing rate for this waste is increased from 300 cubic meters per year to 600 cubic meters per year.

Throughout the change package the contingent milestone notes removed by the February 2006 Change Number M-91-05-01 have been added back into the respective milestones. This was done to more clearly maintain the description of how these milestones apply according to the October 2003 Settlement Agreement.

Modifications to existing Tri-Party Agreement milestones are denoted with ~~strikeout~~; new milestone/text are denoted with ~~shading~~.

M-91-00	<p>COMPLETE THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND MODIFICATION OF PLANNED FACILITIES NECESSARY FOR RETRIEVAL, STORAGE, AND TREATMENT/PROCESSING OF ALL HANFORD SITE RCRA MIXED AND SUSPECT MIXED LOW-LEVEL WASTE AND RCRA MIXED AND SUSPECT MIXED TRANSURANIC WASTE.</p> <p><b>DEFINITIONS</b></p> <p>THE FOLLOWING DEFINITIONS APPLY TO THIS SERIES OF MILESTONES</p> <p><del>"BOXES AND LARGE CONTAINERS" AS USED HEREIN IS DEFINED AS WASTE CONTAINERS THAT ARE NOT 55-GALLON DRUMS AND THAT CANNOT BE PLACED IN SUCH DRUMS.</del></p> <p>"LARGE CONTAINERS" AS USED HEREIN HAS DIFFERENT MEANINGS DEPENDING ON WHETHER IT IS USED IN REFERENCE TO MLLW/LLW OR TRANSURANIC WASTE.</p> <p>WHEN REFERRING TO MLLW/LLW, LARGE CONTAINERS ARE CONTAINERS GREATER THAN OR EQUAL TO 10 CUBIC METERS.</p> <p>WHEN REFERRING TO TRANSURANIC WASTE, LARGE CONTAINERS ARE CONTAINERS THAT ARE NOT 55 GALLON DRUMS OR 55 GALLON DRUMS OVERPACKED IN 85 GALLON DRUMS AND CONTAINERS THAT CAN NOT BE PLACED IN 55 GALLON DRUMS. AN EXCEPTION TO THIS SIZE DEFINITION IS NEWLY GENERATED WIPP STANDARD WASTE BOXES. NEWLY GENERATED WIPP STANDARD WASTE BOXES ARE NOT CONSIDERED "LARGE CONTAINERS".</p> <p>"CERTIFICATION" AS USED HEREIN IS DEFINED AS COMPLETION OF ALL CERTIFICATION ACTIVITIES REQUIRED BY THE WIPP HAZARDOUS WASTE PERMIT AND ENTRY INTO THE WIPP WASTE INFORMATION SYSTEM.</p> <p>"NEWLY GENERATED" AS USED HEREIN IS DEFINED AS WASTE GENERATED AFTER 12/31/02 UNLESS OTHERWISE</p>	TO BE DETERMINED*
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SPECIFIED.

"DESIGNATION" AS USED HEREIN IS DEFINED AS THE PROCESS FOR DETERMINING: (1) WHICH CONTAINERS OF LOW-LEVEL WASTE ARE MLLW; AND, (2) WHICH CONTAINERS OF TRANSURANIC WASTE ARE MIXED TRANSURANIC WASTE (CH-TRUM OR RH-TRUM). DESIGNATION OF WASTE WILL BE PERFORMED PURSUANT TO WAC 173-303-070 THROUGH 100. THESE REGULATIONS ALLOW THE USE OF "ACCEPTABLE KNOWLEDGE," SURROGATE SAMPLING AND OTHER MEASURES FOR DESIGNATION TO MINIMIZE WORKERS' RADIATION EXPOSURE AND TO REDUCE COSTS. WHERE APPLICABLE, DOE INTENDS TO USE INFORMATION GATHERED THROUGH THE CERTIFICATION OF TRANSURANIC WASTE IN SUPPORT OF ITS DESIGNATION OF RELATED LOW-LEVEL WASTE STREAMS. WHERE APPROPRIATE, DOE WILL USE MEASURES ALLOWED UNDER STATE AND FEDERAL REGULATIONS TO PERFORM ACCURATE AND COST EFFECTIVE DESIGNATIONS OF LOW-LEVEL WASTE.

"LOW-LEVEL WASTE" AS USED HEREIN IS DEFINED AS RADIOACTIVE WASTE THAT IS NOT SPENT FUEL, HIGH-LEVEL WASTE, TRANSURANIC WASTE, BYPRODUCT MATERIAL, OR NATURALLY OCCURRING RADIOACTIVE MATERIAL. LOW-LEVEL WASTE INCLUDES BOTH "MIXED LOW-LEVEL WASTE" AND "NON-MIXED LOW-LEVEL WASTE." "MIXED LOW-LEVEL WASTE" (MLLW) IS LOW-LEVEL WASTE THAT IS SUBJECT TO RCRA OR 70.105 RCW. "NON-MIXED LOW-LEVEL WASTE" (LLW) IS LOW-LEVEL WASTE THAT IS NOT SUBJECT TO RCRA OR 70.105 RCW. LLW AND MLLW CAN BE CONTACT-HANDLED (CH), I.E., CH-LLW OR CH-MLLW, OR REMOTE-HANDLED (RH), I.E., RH-LLW OR RH-MLLW.

"CONTACT HANDLED" (CH) WASTE IS A WASTE PACKAGE WITH A SURFACE DOSE RATE LESS THAN OR EQUAL TO 200 MILLIREM PER HOUR.

"REMOTE HANDLED" (RH) WASTE IS A WASTE PACKAGE WITH A SURFACE DOSE RATE ~~EQUAL TO OR~~ GREATER THAN 200 MILLIREM PER HOUR.

"RETRIEVABLY STORED WASTE" (RSW) AS USED HEREIN IS DEFINED AS WASTE THAT IS OR WAS BELIEVED TO BE CONTAMINATED WITH SIGNIFICANT CONCENTRATIONS OF



TRANSURANIC ISOTOPES WHEN IT WAS PLACED IN THE 218-W-4B, 218-W-4C, 218-W-3A AND 218-E-12B BURIAL GROUND TRENCHES AFTER MAY 6, 1970. DURING THE RETRIEVAL PROCESS, CONTAINERS OF RSW WILL BE SEGREGATED INTO TWO CATEGORIES: (1) CH RSW AND (2) RH RSW. SUBSEQUENT ANALYSIS AND CATEGORIZATION OF RSW PURSUANT TO RCRA, CH. 70.105 RCW, THE ATOMIC ENERGY ACT, AND THE WIPP LAND WITHDRAWAL ACT WILL RESULT IN MOST OR ALL OF THIS WASTE BEING CLASSIFIED AS ONE OF THE FOLLOWING TYPES OF WASTE: CH-LLW, RH-LLW, CH-MLLW, RH-MLLW, CH-TRU, CH-TRUM, RH-TRU OR RH-TRUM. RSW DOES NOT INCLUDE WASTE IN CONTAINERS THAT HAVE DETERIORATED TO THE POINT THAT THEY CANNOT BE RETRIEVED AND STABILIZED (E.G. PLACED IN OVERPACKS) IN A MANNER THAT WOULD ALLOW THEM TO BE TRANSPORTED AND DESIGNATED WITHOUT POSING SIGNIFICANT RISKS TO WORKERS, THE PUBLIC OR THE ENVIRONMENT. WITH RESPECT TO ANY SUCH CONTAINERS, AND WITH RESPECT TO ANY RELEASE OF RSW, THE DECISION AS TO HOW TO MOVE FORWARD WILL BE DETERMINED THROUGH THE CLEANUP PROCESS SET FORTH IN RCRA, CH. 70.105 RCW, AND/OR CERCLA AS APPROPRIATE. THOSE PROCESSES MAY RESULT IN ADDITIONAL REQUIREMENTS FOR THE REMEDIATION OF SUCH WASTES.

“CAISSON WASTE” AS USED HEREIN IS DEFINED AS RSW IN THE 218-W-4B BURIAL GROUND CAISSONS ALPHA-1 THROUGH ALPHA-4.

“TRANSURANIC WASTE” AS USED HEREIN IS DEFINED AS WASTE THAT MEETS THE DEFINITION IN SUBSECTION (18) OF SECTION 2 OF THE WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT, PUB. L. 102-579. TRANSURANIC WASTE INCLUDES BOTH MIXED TRANSURANIC (TRUM) WASTE AND NON MIXED TRANSURANIC (TRU) WASTE ~~“MIXED TRANSURANIC WASTE” (TRUM) WASTE” AND “NON MIXED TRANURANIC WASTE” (TRU),~~ AND COMPRISES THE FOLLOWING CATEGORIES: CH-TRU, CH-TRUM, RH-TRU, AND RH-TRUM.

“RETRIEVAL OF CH RSW” IS DEFINED AS UNCOVERING CH WASTES WITHIN DOE’S RSW TRENCHES, AND REMOVING SUCH CH WASTES FROM THE TRENCHES, ~~STAGING WITHIN THE BURIAL GROUNDS, AND TRANSFER~~ TO A PERMITTED

AND COMPLIANT TREATMENT, STORAGE OR DISPOSAL FACILITY, THE ENVIRONMENTAL RESTORATION AND DISPOSAL FACILITY (ERDF) OR FOR WASTE DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100 AS NON-MIXED TO A STORAGE OR DISPOSAL FACILITY THAT DOE DETERMINES IS APPROPRIATE. THE 218-W-4C PROCESSING AREA WILL BE USED TO STAGE, SAMPLE, ASSAY, DESIGNATE, ETC., THE CONTAINERS MOVED FROM THE 218-W-4B BURIAL GROUND. THE 90-DAY DESIGNATION CLOCK FOR WASTE COMING FROM 218-W-4B TO 218-W-4C PROCESSING AREA WOULD NOT START UNTIL WASTE WAS TRANSFERRED FROM THE 218-W-4C STAGING AREA TO A PERMITTED COMPLIANT TREATMENT, STORAGE OR DISPOSAL FACILITY. STAGING OF CH RSW IN THE BURIAL GROUNDS SHALL BE PROTECTIVE OF THE ENVIRONMENT TO PREVENT SPILLS. STORAGE OF ANY RETRIEVED CH RSW THAT HAS NOT BEEN DESIGNATED AS NON-MIXED PURSUANT TO WAC 173-303-070 THROUGH -100 SHALL INCLUDE SECONDARY CONTAINMENT PURSUANT TO WAC 173-303-630(7).

“RETRIEVAL OF RH RSW” IS DEFINED AS UNCOVERING RH WASTES WITHIN DOE’S RSW TRENCHES AND CAISSONS, AND REMOVING SUCH RH WASTES FROM THE TRENCHES AND CAISSONS. STAGING WITHIN THE BURIAL GROUNDS, AND TRANSFER TO A PERMITTED AND COMPLIANT TREATMENT, STORAGE OR DISPOSAL FACILITY, THE ENVIRONMENTAL RESTORATION AND DISPOSAL FACILITY (ERDF) OR FOR WASTE DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100 AS NON-MIXED TO A STORAGE OR DISPOSAL FACILITY THAT DOE DETERMINES IS APPROPRIATE. THE 218-W-4C PROCESSING AREA WILL BE USED TO STAGE, SAMPLE, ASSAY, DESIGNATE, ETC., THE CONTAINERS MOVED FROM THE 218-W-4B BURIAL GROUND. THE 90-DAY DESIGNATION CLOCK FOR WASTE COMING FROM 218-W-4B TO 218-W-4C PROCESSING AREA WOULD NOT START UNTIL WASTE WAS TRANSFERRED FROM THE 218-W-4C STAGING AREA TO A PERMITTED COMPLIANT TREATMENT, STORAGE OR DISPOSAL FACILITY. STAGING OF RH RSW IN THE BURIAL GROUNDS SHALL BE PROTECTIVE OF THE ENVIRONMENT TO PREVENT SPILLS. STORAGE OF ANY RETRIEVED RH RSW THAT HAS NOT BEEN DESIGNATED AS NON-MIXED PURSUANT TO WAC 173-303-070 THROUGH -100 SHALL INCLUDE SECONDARY CONTAINMENT PURSUANT TO WAC 173-303-630(7).

	<p>NOTE: THE REQUIREMENTS OF THIS MILESTONE WITH REGARD TO THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND MODIFICATION OF PLANNED FACILITIES NECESSARY FOR TREATMENT/PROCESSING OF RCRA MIXED AND SUSPECT MIXED TRANSURANIC WASTE DO NOT APPLY AS TO FACILITIES FOR LDR TREATMENT (OR FOR CERTIFICATION IN LIEU OF SUCH TREATMENT) OF MIXED TRANSURANIC WASTE PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.</p> <p>* NOTE: THE M-91 SERIES MILESTONES (INCLUDING THIS NOTE) DO NOT INCLUDE ANY REQUIREMENTS TO ESTABLISH SCHEDULES FOR THE MANAGEMENT OF PRE-1971 TRU/TRUM. SCHEDULES FOR THE MANAGEMENT OF PRE-1971 TRU/TRUM WILL BE ESTABLISHED, PURSUANT TO APPLICABLE PROVISIONS OF THE HHFACO OTHER THAN THE M-91 SERIES MILESTONES, FOLLOWING THE ISSUANCE OF OPERABLE UNIT RECORDS OF DECISION (RODS).</p>	
M-91-01	<p>COMPLETE THE ACQUISITION OF CAPABILITIES AND/OR ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND/OR MODIFICATION OF PLANNED FACILITIES NECESSARY FOR RETRIEVAL, DESIGNATION, STORAGE AND TREATMENT/PROCESSING PRIOR TO DISPOSAL OF ALL HANFORD SITE POST 1970 RH TRUM AND SUSPECT RH TRUM, TRUM IN <del>BOXES AND</del> LARGE CONTAINERS, AND SUSPECT TRUM IN <del>BOXES AND</del> LARGE CONTAINERS AND MLLW IN CONTAINERS LARGER THAN 35 CUBIC METERS AND RH MLLW.</p> <p>NOTE: THE REQUIREMENTS OF THIS MILESTONE WITH REGARD TO COMPLETING THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES AND/OR MODIFICATION OF PLANNED FACILITIES NECESSARY FOR TREATMENT/PROCESSING OF HANFORD SITE POST 1970 RH TRUM AND SUSPECT RH TRUM, TRUM IN LARGE CONTAINERS, AND SUSPECT TRUM IN LARGE CONTAINERS DO NOT APPLY AS TO CAPABILITIES AND FACILITIES FOR LDR TREATMENT (OR FOR CERTIFICATION IN LIEU OF SUCH TREATMENT) OF RH TRUM AND TRUM IN LARGE CONTAINERS PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03</p>	<p>6/30/2012</p> <p>6/30/2016</p>

	5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.	
M-91-03	<p>SUBMIT REVISION OF THE HANFORD SITE TRUM AND MIXED LOW LEVEL WASTE PROJECT MANAGEMENT PLAN (PMP) TO ECOLOGY PURSUANT TO AND IN COMPLIANCE WITH THE REQUIREMENTS OF AGREEMENT SECTION 11.5. REVISIONS OF THE PMP SHALL ADDRESS RCRA MIXED AND SUSPECT MIXED TRANSURANIC AND LOW LEVEL WASTE AND WILL CONSIDER AND EXPRESSLY EVALUATE THE IMPACT ON M-91 RETRIEVAL, TREATMENT AND PROCESSING CAPABILITIES, THAT MAY RESULT FROM RETRIEVAL, TREATMENT AND/OR PROCESSING OF ANY OTHER TRANSURANIC OR SUSPECT TRANSURANIC WASTE INCLUDING BUT NOT LIMITED TO OFF-SITE TRANSURANIC WASTE AND HANFORD SITE TRANSURANIC WASTE GENERATED AFTER 1/1/03. REVISIONS OF THE PMP SHALL BE SUBMITTED ON 12/31/2003, 3/31/2009 AND 3/31/2013. EACH REVISION IS A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THIS AGREEMENT.</p> <p>WITH RESPECT TO RH MIXED WASTE AND MIXED WASTE IN BOXES AND LARGE CONTAINERS, THE PMP SUBMITTED ON 12/31/2003 WILL SPECIFICALLY IDENTIFY MEASURABLE ACTIONS TO BE TAKEN BY DOE TO ACQUIRE CAPABILITIES TO MANAGE SUCH WASTES. THE PMP SHALL IDENTIFY SUCH MEASURABLE ACTIONS AT LEAST YEARLY.</p> <p>NOTE: WITH RESPECT TO PMP REVISIONS ON 12/28/06, 3/31/2009 AND 3/31/2013, THE REQUIREMENTS OF THIS MILESTONES CONCERNING PMP REVISIONS TO ADDRESS TRUM SHALL NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.</p> <p>THE PMP SUBMITTED ON 12/31/2003 WILL NOT BE REQUIRED TO CONTAIN PLANS AND SCHEDULES FOR THE LDR TREATMENT (OR CERTIFICATION IN LIEU OF SUCH TREATMENT AS PROVIDED FOR IN M-91-42 AND M-91-44) OF TRUM WASTE. DOE SHALL REVISE THE PMP TO INCLUDE PLANS AND SCHEDULES FOR LDR TREATMENT (OR CERTIFICATION IN LIEU OF SUCH TREATMENT AS</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>

	<p>PROVIDED IN M-91-42 AND M-91-44) OF TRUM WASTE BY 12/28/06.</p> <p>PMP REVISIONS WILL BE SUBMITTED TO ECOLOGY FOR REVIEW AND APPROVAL AS PRIMARY DOCUMENTS PURSUANT TO AGREEMENT ACTION PLAN SECTION 9.2.1. DOE SHALL IMPLEMENT THE PLAN AS APPROVED.</p> <p>ONCE APPROVED, THE PMP SUBMITTED ON 12/31/2003, IN ACCORDANCE WITH THIS MILESTONE SHALL SUPERSEDE THOSE PORTIONS OF PREVIOUSLY SUBMITTED DOE PMPs THAT CONCERNED RCRA MIXED WASTE, SUSPECT MIXED TRANSURANIC AND SUSPECT MIXED LOW LEVEL WASTE. EACH REVISION OF THE M-91-03 PMP SHALL, UPON APPROVAL BY ECOLOGY, SUPERSEDE PREVIOUS M-91-03 PMPS.</p>	
M-91-05-T01	<p>COMPLETE AND SUBMIT RH TRUM, SUSPECT RH TRUM, TRUM IN BOXES AND LARGE CONTAINERS, AND SUSPECT TRUM IN BOXES AND LARGE CONTAINERS RETRIEVAL AND PROCESSING FACILITY(IES) ENGINEERING STUDY/FUNCTIONAL DESIGN CRITERIA STUDY TO ECOLOGY FOR FACILITIES REQUIRED BY M-91-01.</p> <p>THE TRUM ENGINEERING/FUNCTIONAL DESIGN CRITERIA STUDY WILL COVER ACTIVITIES/FACILITIES NOT CONSIDERED COMMERCIALY VIABLE AS DOCUMENTED IN THE APPROVED TRUM PMP AND ASSOCIATED AGREEMENT CHANGE REQUESTS.</p>	12/31/2007
M-91-12	COMPLETE THERMAL TREATMENT OF AN ADDITIONAL 360 CUBIC METERS OF CONTACT HANDLED MLLW. THIS BRINGS THE CUMULATIVE TOTAL TO AT LEAST 600 CUBIC METERS OF CONTACT HANDLED MLLW THERMALLY TREATED.	11/16/2007
M-91-12A	COMPLETE THERMAL TREATMENT OF AT LEAST 240 CUBIC METERS OF CONTACT HANDLED MLLW.	9/30/2005 [Completed]
M-91-15	COMPLETE ACQUISITION OF FACILITIES AND/OR CAPABILITIES AND INITIATE TREATMENT OF RH MLLW AND CH MLLW IN BOXES AND LARGE CONTAINERS UP TO 35 CUBIC METERS IN SIZE.	6/30/2008 <del>12/31/2007</del>

M-91-20	<p>T PLANT IS READY TO RECEIVE THE FIRST CANISTER OF K BASINS FLOOR AND PIT SLUDGE.</p> <p>THIS INTERIM MILESTONE WILL BE COMPLETE WHEN ALL T PLANT READINESS ACTIVITIES HAVE BEEN COMPLETED TO ACCEPT PIT AND FLOOR SLUDGE. READINESS IS DEFINED AS THE ISSUANCE OF THE READINESS TO PROCEED LETTER BY THE APPROVAL AUTHORITY.</p>	<p>12/31/2002 [Completed]</p>
M-91-40	<p>REGARDING THE RETRIEVAL AND DESIGNATION OF CONTACT-HANDLED (CH) RETRIEVABLY STORED WASTE (RSW) AND TREATMENT OF SUCH WASTES DESIGNATED AS MIXED TO MEET APPLICABLE FEDERAL AND STATE LAND DISPOSAL RESTRICTION (LDR) STANDARDS (ALL CH RSW WASTE REGARDLESS OF PACKAGE SIZE):</p> <p>1. DOE SHALL RETRIEVE ALL CH-RSW WITHIN BURIAL GROUNDS 218-W-4C, 218-W-4B, 218-W-3A, AND 218-E-12B BY DECEMBER 31, 2010. IN ACHIEVING THIS RETRIEVAL REQUIREMENT, DOE SHALL FIRST INITIATE RETRIEVAL AT ITS BURIAL GROUND 218-W-4C NO LATER THAN NOVEMBER 15, 2003, AND SHALL RETRIEVE RSW AT THE FOLLOWING RATES :</p> <ul style="list-style-type: none"> <li>• 1,200 CUBIC METERS (CUMMULATIVE) BY 12/31/04,</li> <li>• 2,700 CUBIC METERS (CUMMULATIVE) BY 12/31/05,</li> <li>• 4,700 CUBIC METERS (CUMMULATIVE) BY 12/31/06,</li> <li>• 7,200 CUBIC METERS (CUMMULATIVE) BY 12/31/07,</li> <li>• 9,700 CUBIC METERS (CUMMULATIVE) BY 12/31/08,</li> <li>• 12,200 CUBIC METERS (CUMMULATIVE) BY 12/31/09,</li> <li>• COMPLETE RETRIEVAL OF CH-RSW BY 12/31/2010.</li> </ul> <p>CONCURRENT RETRIEVAL ACTIONS CAN BE CONDUCTED IN MULTIPLE BURIAL GROUNDS. IF SPECIFIC <del>BOXES AND</del> LARGE CONTAINERS CANNOT BE REMOVED FROM A TRENCH WITHIN 60 DAYS OF BEING EXPOSED DOE SHALL NOTIFY ECOLOGY WITHIN THE 60-DAY PERIOD. ECOLOGY WILL INSPECT THE CONTAINER AND IMPOSE SPECIFIC CONDITIONS FOR THAT WASTE CONTAINER TO PREVENT RELEASES TO THE ENVIRONMENT. IN DETERMINING SUCH CONDITIONS ECOLOGY WILL CONSIDER AMONG OTHER FACTORS; WHETHER THE WASTE CONTAINER HAS BEEN INSPECTED AND FOUND TO BE INTACT AND NOT POSING A THREAT TO HUMAN HEALTH AND THE ENVIRONMENT (OR RE-PACKAGED TO PREVENT</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>

RELEASE TO THE ENVIRONMENT) AND EXISTING DOCUMENTATION CONCERNING THE PRESENCE OF FREE LIQUIDS.

2. AS RSW RETRIEVAL PROCEEDS, DOE SHALL SAMPLE AND ANALYZE TRENCH SUBSTRATES WITH THE PURPOSES OF DETERMINING WHETHER OR NOT RELEASES OF CONTAMINANTS TO THE ENVIRONMENT HAVE OCCURRED, AND, IF SO, THE NATURE AND EXTENT OF CONTAMINATION.

SUCH SAMPLING AND ANALYSIS SHALL BE IN ACCORDANCE WITH ECOLOGY APPROVED SAMPLING AND ANALYSIS PLANS (SAP). THE SAP WILL BE DEVELOPED USING A DQO PROCESS TO ESTABLISH SAMPLING REQUIREMENTS FOR SAMPLING OF BURIAL GROUND VENT RISERS AND SUBSTRATE SOILS. ~~DOE PROVIDED ECOLOGY WITH A DRAFT 218-W-4C SAP ON 8/12/03. ECOLOGY'S INTENTION IS TO ISSUE A FINAL SAP WITHIN 30 DAYS.~~ ECOLOGY APPROVED THE 218-W-4C SAP SEPTEMBER 12, 2003, THE 218-E-12B SAP JANUARY 20, 2005, THE 218-W-3A SAP JUNE 15, 2006, AND THE 218-W-4B SAP JULY 25, 2006. ~~WITH RESPECT TO THE REMAINING BURIAL GROUNDS, DOE WILL PROVIDE ECOLOGY WITH UPDATED SAPS, IF NEEDED, FOR REVIEW AND APPROVAL AT LEAST 45 DAYS PRIOR TO STARTING RETRIEVAL IN EACH BURIAL GROUND.~~ DOE WILL IMPLEMENT APPROVED SAPS, AS A REQUIREMENT OF THIS MILESTONE, DURING RETRIEVAL OF ALL RSW.

THE RESULTS OF BURIAL GROUND VENT AND SUBSTRATE SAMPLING AND ANALYSIS PURSUANT TO APPROVED SAPS SHALL BE SUBMITTED TO ECOLOGY BY LETTER REPORTS QUARTERLY. SUCH REPORTS SHALL DOCUMENT RESULTS AND METHODOLOGIES, SHALL ASSESS RESULTS AGAINST REGULATORY REQUIREMENTS, SHALL INCLUDE A DESCRIPTION (OR DESCRIPTIONS) OF DOCUMENTED CONTAMINANT RELEASES TO THE ENVIRONMENT, AND SHALL DESCRIBE PLANNED AND/OR SCHEDULED ADDITIONAL WORK.

3. WITHIN 90 DAYS OF RETRIEVAL, DOE SHALL DESIGNATE ALL CH RSW RETRIEVED FROM THE RSW TRENCHES PURSUANT TO WAC 173-303-070 THROUGH 100, AND SHALL SPECIFICALLY IDENTIFY INDIVIDUAL BOXES



AND LARGE CONTAINERS THAT CANNOT BE DESIGNATED BASED ON AVAILABLE PROCESS KNOWLEDGE. FOR THE ~~BOXES AND~~ LARGE CONTAINERS SMALLER THAN 35 CUBIC METERS DETERMINED TO BE LOW-LEVEL WASTE THAT CANNOT BE DESIGNATED BASED ON THE AVAILABLE PROCESS KNOWLEDGE, DOE SHALL DESIGNATE SAID WASTE ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2008 (~~SIX MONTHS AFTER THE RH AND LARGE CONTAINER MLLW FACILITIES AND/OR CAPABILITIES ARE REQUIRED TO BE OPERATIONAL~~). FOR ~~BOXES AND~~ LARGE CONTAINERS LARGER THAN 35 CUBIC METERS DETERMINED TO BE LOW-LEVEL WASTE THAT CANNOT BE DESIGNATED BASED ON THE AVAILABLE PROCESS KNOWLEDGE AND FOR LARGE CONTAINERS DETERMINED TO BE TRANSURANIC WASTE THAT CANNOT BE DESIGNATED BASED ON THE AVAILABLE PROCESS KNOWLEDGE, DOE SHALL DESIGNATE SAID WASTE ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2012 (~~SIX MONTHS AFTER THE RH AND LARGE CONTAINER TRANSURANIC~~ M-91-01 FACILITIES AND/OR CAPABILITIES ARE REQUIRED TO BE OPERATIONAL).

4. FOR ALL RETRIEVED CH-RSW DETERMINED TO BE LOW LEVEL WASTE AND DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100, AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTES TO MEET LDR REQUIREMENTS IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-42(2) AND M-91-43(3).
5. IN REGARD TO THE CARBON TETRACHLORIDE VAPOR PLUME IN THE VADOSE ZONE IN THE VICINITY OF TRENCH 4 IN BURIAL GROUND 218-W-4C, DOE SHALL:
  - START VAPOR EXTRACTION BY NOVEMBER 15, 2003, TO REDUCE CARBON TETRACHLORIDE VAPORS.
  - START RETRIEVAL IN TRENCH 4 BY JANUARY 15, 2004
  - COMPLETE RETRIEVAL OF TRENCH 4 BY DECEMBER 31, 2006. (WITH THE EXCEPTION OF THOSE ~~BOXES AND~~ LARGE CONTAINERS THAT THE PARTIES HAVE AGREED, IN WRITING, MAY BE ~~RETRIEVED OUT OF SEQUENCE~~.) BE LEFT IN THE TRENCH LONGER IN



## ACCORDANCE WITH M-91-40 SECTION 1.

RETRIEVAL WILL CONTINUE IN TRENCH 4 UNTIL IT IS COMPLETE. VAPOR EXTRACTION AND RETRIEVAL OPERATIONS IN TRENCH 4 WILL BE INTEGRATED BY DOE TO MINIMIZE POTENTIAL WORKER EXPOSURE TO CARBON TETRACHLORIDE VAPORS, AND TO MITIGATE ANY POSSIBLE RELEASES OF CARBON TETRACHLORIDE FROM TRENCH 4 CONTAINERS.

6. FOR ALL RETRIEVED CH-RSW DETERMINED TO BE TRANSURANIC WASTE AND DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100, AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTES TO MEET LDR REQUIREMENTS IN COMPLIANCE WITH THE SCHEDULE IN M-91-42(4) AND M-91-44(3).

DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF CH TRANSURANIC WASTE FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION, AND ONLY IF, AS OF THE TIME OF CERTIFICATION, SUCH WASTE IS EXEMPT FROM LDR TREATMENT REQUIREMENTS WHEN DISPOSED AT WIPP. IF DOE CHOOSES TO CERTIFY IN LIEU OF TREATMENT, IT MAY MEET THE VOLUME REQUIREMENTS SPECIFIED IN THIS MILESTONE FOR ANY GIVEN YEAR BY CERTIFYING CH TRU OR CH TRUM. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION LETTER.

NOTE: THE REQUIREMENTS OF ITEM 6 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN *WASHINGTON V. ABRAHAM*, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.

EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.

M-91-41	<p>REGARDING THE RETRIEVAL AND DESIGNATION OF REMOTE HANDLED (RH) RSW (ALL RSW RH WASTE REGARDLESS OF PACKAGE SIZE, INCLUDING THE 200 AREA CAISSONS), AND LDR TREATMENT OF SUCH WASTES DETERMINED TO BE MIXED.</p> <ol style="list-style-type: none"> <li>DOE SHALL INITIATE FULL SCALE RETRIEVAL OF RH RSW BY JANUARY 1, 2011. RETRIEVAL OF NON-CAISSON RH RSW SHALL BE COMPLETED BY DECEMBER 31, 2014. RETRIEVAL THE 200 AREA CAISSON RH RSW IN THE 218-W-4B BURIAL GROUND SHALL BE COMPLETED BY DECEMBER 31, 2018.</li> <li>DOE SHALL DESIGNATE ALL RETRIEVED RH RSW PURSUANT TO WAC 173-303-070 THROUGH 100, WITHIN 90 DAYS OF RETRIEVAL.</li> <li>FOR ALL RETRIEVED RH-RSW DETERMINED TO BE LOW-LEVEL WASTE AND DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100, AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTE TO MEET LDR REQUIREMENTS IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-43(3).</li> <li>FOR ALL RETRIEVED RH-RSW DETERMINED TO BE TRANSURANIC WASTE AND DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100, AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTES TO MEET LDR REQUIREMENTS IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-44(3). DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF SUCH WASTES FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION, AND ONLY IF, AS OF THE TIME OF CERTIFICATION, SUCH WASTE IS EXEMPT FROM LDR TREATMENT REQUIREMENTS WHEN DISPOSED AT WIPP. IF DOE CHOOSES TO CERTIFY IN LIEU OF TREATMENT, IT MAY MEET THE VOLUME REQUIREMENTS SPECIFIED IN M-91-44 FOR ANY GIVEN YEAR BY CERTIFYING RH TRU OR RH TRUM. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION</li> </ol>	DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE
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	<p>LETTER.</p> <p>NOTE: THE REQUIREMENTS OF ITEM 4 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03-5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.</p> <p>5. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.</p>	
M-91-42	<p>REGARDING: (1) NEWLY GENERATED CH WASTE (EXCLUDING LARGE CONTAINERS); (2) CH RETRIEVAL WASTE (EXCLUDING LARGE CONTAINERS); AND (3) <del>(2)</del> CH WASTE CURRENTLY IN ABOVE-GROUND STORAGE <del>(NOT INCLUDING CH WASTE CURRENTLY IN ABOVE-GROUND STORAGE IN BOXES AND</del> EXCLUDING LARGE CONTAINERS).</p> <p>1. DOE SHALL DESIGNATE ALL NEWLY GENERATED CH WASTE AT THE POINT OF GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100.</p> <p>2. THERE WERE <del>ARE</del> 5,066 CUBIC METERS OF CH-MLLW IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE COMPLEX (CWC) <del>AND ELSEWHERE</del> AT HANFORD AS OF 12/31/02 (AS IDENTIFIED IN DOE HHFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-02 THROUGH MLLW-10, EXCLUDING MLLW-07) THAT HAD <del>HAS</del> NOT BEEN TREATED TO MEET LDR REQUIREMENTS. (THIS VOLUME DOES NOT INCLUDE 600 CUBIC METERS OF WASTE REQUIRING THERMAL TREATMENT, AS THAT WASTE HAS SEPARATE TREATMENT REQUIREMENTS PER M-91-12. APPROXIMATELY 4422 CUBIC METERS OF MLLW SUBJECT TO THIS MILESTONE WAS TREATED BETWEEN 12/31/02 AND 12/31/05. <del>IS REQUIRED TO BE TREATED BY 2006 UNDER HHFACO MILESTONES M-91-12 AND M-91-12A).</del> DOE'S 2002 LDR REPORT ESTIMATED THAT IT WILL GENERATION OF AN ADDITIONAL ANNUAL VOLUME OF APPROXIMATELY 330 CUBIC METERS OF CH-MLLW (AS</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>

WASTE TYPES IDENTIFIED IN DOE HHFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-02 THROUGH MLLW-10, EXCLUDING MLLW-07). IT WAS ALSO ESTIMATED IN 2002 THAT DOE WOULD ~~DOE WILL~~ RETRIEVE APPROXIMATELY 800 CUBIC METERS OF CH-MLLW BY 2010. BASED ON THE CY2005 LDR SUMMARY REPORT AS OF 12/31/05 FOR MLLW SUBJECT TO M-91-42, THERE WERE APPROXIMATELY 2100 CUBIC METERS IN PERMITTED STORAGE, AND 280 CUBIC METERS FORECAST TO BE GENERATED BY THE END OF CY2009.

APPROXIMATELY 2750 CUBIC METERS OF M-91-42 MLLW WAS EXPECTED TO BE RETRIEVED BETWEEN 12/31/05 AND 12/31/09. IN ADDITION TO MEETING THE REQUIREMENTS OF M-91-12 AND M-91-12A, DOE SHALL TREAT THE WASTE DESCRIBED ABOVE TO MEET LDR REQUIREMENTS ON A SCHEDULE MEETING, AT MINIMUM, THE FOLLOWING CUMULATIVE TOTALS BASED ON A START DATE OF 12/31/02:

- A. 1630 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/04,
- B. 3260 CUBIC METERS BY (CUMULATIVE) SHALL BE TREATED BY 12/31/05,
- C. 4890 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/06,
- D. 6520 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/07,
- E. 8150 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/08, AND
- F. COMPLETE TREATMENT OF ALL CH-MLLW (5066 CUBIC METERS IN STORAGE AS OF 12/31/02 AS DESCRIBED ABOVE, AND RETRIEVED CH-MLLW AND NEWLY GENERATED CH-MLLW IN THE TREATABILITY GROUPS DESCRIBED ABOVE, AS OF 6/30/09, BY 12/31/09.)

IF CH-MLLW IN THE TREATABILITY GROUPS SUBJECT TO THIS MILESTONE GENERATED DURING THE PERIOD FROM 12/31/02 THROUGH 6/30/09 IS TREATED TO LDR STANDARDS PRIOR TO DELIVERY TO STORAGE OR DISPOSAL, THE ORIGINAL PRE-TREATMENT VOLUME OF THAT WASTE SHALL BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE.

EXCEPT FOR WASTE ALREADY IN PERMITTED STORAGE, TREATMENT OF CERCLA WASTE WILL NOT BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. RSW DETERMINED TO BE MLLW IN THE TREATABILITY GROUPS COVERED BY THIS MILESTONE WILL BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-MLLW COVERED BY THIS MILESTONE IS LOWER THAN THE ESTIMATED VOLUMES ANTICIPATED BY THESE MILESTONES DOE WILL ONLY BE REQUIRED TO TREAT THE VOLUME OF WASTE GENERATED, RETRIEVED AND/OR IN STORAGE. IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-MLLW COVERED BY THIS MILESTONE IS SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES THE PARTIES' MAY AGREE TO REVISE THESE REQUIREMENTS.

3. AFTER JUNE 30, 2009, DOE SHALL TREAT TO MEET LDR TREATMENT REQUIREMENTS ALL NEWLY GENERATED CH-MLLW (EXCLUDING LARGE CONTAINERS) CONTAINING LDR CONSTITUENTS IN COMPLIANCE WITH WAC 173-303-140 AND BY REFERENCE 40 CFR 268.
4. IN 2003 IT WAS ESTIMATED THAT THERE WERE ARE APPROXIMATELY 440 CUBIC METERS OF CH-TRUM (EXCLUDING LARGE CONTAINERS) IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE COMPLEX (CWC) AND ELSEWHERE AT HANFORD AS OF 12/31/02. DOE'S CY2002 LDR REPORT ~~ESTIMATES THAT IT WILL GENERATE~~ ESTIMATED GENERATION OF AN ADDITIONAL ANNUAL VOLUME OF APPROXIMATELY 220 CUBIC METERS OF CH-TRUM AND DOE ~~ESTIMATES~~ ESTIMATED THEY ~~WILL RETRIEVAL OF~~ WOULD RETRIEVE APPROXIMATELY 1600 CUBIC METERS OF CH-TRUM BY 2010. BASED ON THE CY2005 LDR REPORT AS OF 12/31/05 THERE WERE APPROXIMATELY 900 CUBIC METERS OF TREATABILITY GROUP "TRUM-CH STANDARD PROCESSING" WASTE (I.E. CH TRUM EXCLUDING LARGE CONTAINERS) IN PERMITTED STORAGE AS OF 12/31/05. AN ADDITIONAL QUANTITY OF APPROXIMATELY 2500 CUBIC METERS OF THIS WASTE WAS EXPECTED FROM RETRIEVAL BY 12/31/10. APPROXIMATELY 55 CUBIC METERS OF THIS WASTE WAS FORECAST TO BE GENERATED BY 12/31/10. CONSIDERING THESE ESTIMATES AND THE

CONSIDERABLE UNCERTAINTY ASSOCIATED WITH THEM DOE SHALL TREAT THE WASTE CATEGORIES DESCRIBED ABOVE TO MEET LDR REQUIREMENTS ON THE FOLLOWING CUMULATIVE SCHEDULE BASED ON A START DATE OF 12/31/02:

- 700 CUBIC METERS BY 12/31/04;
- 1,800 CUBIC METERS (CUMULATIVE) BY 12/31/05;
- 2,200~~3,000~~ CUBIC METERS (CUMULATIVE) BY 12/31/06;
- 2,600~~4,200~~ CUBIC METERS (CUMULATIVE BY 12/31/07;
- 3,000~~5,400~~ CUBIC METERS (CUMULATIVE BY 12/31/08;
- 3,600~~6,600~~ CUBIC METERS (CUMULATIVE BY 12/31/09;
- 4,200~~7,600~~ CUBIC METERS (CUMULATIVE) BY 12/31/10;
- 4,800~~8,600~~ CUBIC METERS (CUMULATIVE) BY 12/31/11.

IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-TRUM COVERED BY THIS MILESTONE IS LOWER THAN THE ESTIMATED VOLUMES ANTICIPATED BY THESE MILESTONES DOE WILL ONLY BE REQUIRED TO TREAT THE VOLUME OF WASTE GENERATED, RETRIEVED AND/OR IN STORAGE. IN THIS CASE THE CUMULATIVE VOLUMES SHALL BE CONSIDERED MET AS LONG AS THIS CH-TRUM IS TREATED/CERTIFIED WITHIN THE TIMEFRAME ESTABLISHED BY THE STORAGE PROHIBITION REQUIREMENTS OF 40 CFR 268.50. IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-TRUM COVERED BY THIS MILESTONE IS SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES THE PARTIES' MAY AGREE TO REVISE THESE REQUIREMENTS.

5. IF CH TRUM SUBJECT TO THIS MILESTONE GENERATED AFTER 7/1/11 CAN NOT BE TREATED (OR CERTIFIED IN LIEU OF TREATMENT) WITHIN THE TIMEFRAME ESTABLISHED BY THE STORAGE PROHIBITION REQUIREMENTS OF WAC 173-303-140 AND BY REFERENCE 40CFR 268.50, OR A BACKLOG OF CH TRUM WASTE REMAINS IN STORAGE THAT CAN NOT BE PROCESSED WITHIN ONE YEAR, NEW ANNUAL RATES FOR TREATMENT/CERTIFICATION OF CH TRUM WILL BE ESTABLISHED AND ADDED TO THE SCHEDULE IN ITEM 4 ABOVE PRIOR TO 1/1/11. THESE RATES WILL BE BASED ON THE UPDATED GENERATION FORECASTS, STORAGE INVENTORY, AND CAPABILITIES AT THAT TIME. ~~FOR CH TRANSURANIC WASTE NEWLY GENERATED ON OR~~

~~AFTER 7/1/11 THAT IS DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100 AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTES TO MEET LDR REQUIREMENTS PURSUANT TO WAC 173-303-140 WITHIN ONE YEAR OF GENERATION.~~

DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF CH TRANSURANIC WASTE FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION, AND ONLY IF, AS OF THE TIME OF CERTIFICATION, SUCH WASTE IS EXEMPT FROM LDR TREATMENT REQUIREMENTS WHEN DISPOSED AT WIPP. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION LETTER IF DOE CHOOSES TO CERTIFY IN LIEU OF TREATMENT, IT MAY MEET THE VOLUME REQUIREMENTS SPECIFIED IN THIS MILESTONE FOR ANY GIVEN YEAR BY CERTIFYING CH TRU OR CH TRUM. , PROVIDED THAT 1) ALL AT LEAST 70% OF M-91-42 CH TRUM IN PERMITTED STORAGE AS OF 12/31/02 IS TREATED TO MEET LDR REQUIREMENTS OR CERTIFIED BY 12/31/2006. AND 2) ~~ALL CH TRUM IN PERMITTED STORAGE AS OF 7/1/11 IS TREATED TO MEET LDR REQUIREMENTS OR IS CERTIFIED BY 12/31/2011.~~

NOTE: THE REQUIREMENTS OF ITEMS 4 AND 5 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN *WASHINGTON V. ABRAHAM*, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.

~~IN THE EVENT THAT ITEMS 4 OR 5 BECOME APPLICABLE, AMOUNTS OF CH TRUM CERTIFIED BETWEEN 12/31/02 AND THE DATE ON WHICH ITEMS 4 OR 5 BECOME APPLICABLE SHALL COUNT TOWARDS SATISFACTION OF THE OBLIGATIONS IN ITEMS 4 AND 5.~~

6. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT

M-91-43	<p>REGARDING MLLW TREATABILITY GROUP MLLW-07 WASTE AS DEFINED IN THE LDR REPORT WHICH INCLUDES THE MLLW PORTION OF: (1) NEWLY GENERATED RH LOW-LEVEL WASTE; (2) NEWLY GENERATED <del>BOXES AND</del> LARGE CONTAINERS OF CH LOW-LEVEL WASTE; (3) RH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND STORAGE; AND (4) <del>BOXES AND</del> LARGE CONTAINERS OF CH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND STORAGE; (5) RH OR LARGE CONTAINER CH LOW-LEVEL WASTE FROM RETRIEVAL; (6) RH MLLW SHIELDED DOWN TO CH LEVELS; AND (7) MLLW PACKAGES WITH RADIOLOGICAL INVENTORIES THAT PROHIBIT ACCEPTANCE AT OFF-SITE COMMERCIAL TREATMENT FACILITIES.</p> <p><del>THERE ARE 81 CUBIC METERS OF RH MLLW IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE STORAGE COMPLEX (CWC) AND ELSEWHERE AT HANFORD AS OF 12/31/02 (AS IDENTIFIED IN DOE HHFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-07) THAT HAS NOT BEEN TREATED TO MEET LDR REQUIREMENTS. DOE'S 2002 LDR REPORT CURRENTLY ESTIMATES THAT DOE WILL GENERATE AN ADDITIONAL YEARLY VOLUME OF 280 CUBIC METERS OF WASTE IN THIS TREATABILITY GROUP. IN ADDITION, DOE WILL RETRIEVE APPROXIMATELY 800 CUBIC METERS BY 2010. THIS INCLUDES VOLUMES OF RETRIEVED RSW</del></p> <p>AS OF 12/31/05 THERE WERE APPROXIMATELY 305 CUBIC METERS OF RH AND LARGE CONTAINER MLLW (LDR TREATABILITY GROUP MLLW-07) IN PERMITTED STORAGE. APPROXIMATELY 66 CUBIC METERS OF THIS WASTE WAS FORECAST TO BE GENERATED BETWEEN 12/31/05 AND 12/31/11. IN ADDITION, APPROXIMATELY 2728 CUBIC METERS OF MLLW-07 WAS EXPECTED TO BE OBTAINED FROM RETRIEVAL BETWEEN 12/31/05 AND 12/31/11.</p> <ol style="list-style-type: none"> <li>1. DOE SHALL DESIGNATE ALL RH LOW-LEVEL WASTE <del>AND BOXES AND</del> LARGE CONTAINERS OF CH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND PERMITTED STORAGE (AS OF JUNE 30, 2003) ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2016. <del>2008.</del></li> <li>2. DOE SHALL DESIGNATE ALL NEWLY GENERATED RH LOW-LEVEL WASTE AND <del>TRANSURANIC WASTE AND</del> NEWLY GENERATED <del>BOXES AND</del> LARGE CONTAINERS OF CH-LOW-LEVEL WASTE AT THE POINT OF</li> </ol>	DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE
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GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100.

3. DOE SHALL BEGIN TREATING RH MLLW AND BOXES AND LARGE CONTAINERS OF CH MLLW TO MEET LDR TREATMENT REQUIREMENTS ON A SCHEDULE MEETING AT MINIMUM, THE FOLLOWING CUMULATIVE TOTALS BASED ON A START DATE OF 12/31/02.
  - A. 200 CUBIC METERS (CUMULATIVE) BY 12/31/07
  - B. 400 CUBIC METERS (CUMULATIVE) BY 12/31/08
  - C. 600 CUBIC METERS (CUMULATIVE) BY 12/31/09
  - D. 800 CUBIC METERS (CUMULATIVE) BY 12/31/10
  - E. 1000 CUBIC METERS (CUMULATIVE) BY 12/31/11
  - F. 1200 CUBIC METERS (CUMULATIVE) BY 12/31/12

SUBSEQUENT TO 2012 LARGE CONTAINER MLLW SMALLER THAN 35 CUBIC METERS SHALL BE TREATED AS GENERATED IN COMPLIANCE WITH WAC 173-303-140 AND BY REFERENCE 40 CFR 268. REMAINING RH MLLW AND LARGE CONTAINER MLLW IN CONTAINERS LARGER THAN 35 CUBIC METERS SHALL BE TREATED AT AN ANNUAL RATE OF AT LEAST 300 CUBIC METERS PER YEAR STARTING JUNE 30, 2016 AND CONTINUING AT THAT RATE UNTIL IT CAN BE TREATED AS GENERATED IN COMPLIANCE WITH WAC 173-303-140 AND BY REFERENCE 40 CFR 268. ~~AT A MINIMUM RATE OF 300 CUBIC METERS PER YEAR BEGINNING NO LATER THAN JUNE 30, OF 2008. IF THERE ARE NOT 300 CUBIC METERS OF RH MLLW AND BOXES AND LARGE CONTAINERS OF CH MLLW IN STORAGE IN ANY GIVEN YEAR, THIS MILESTONE REQUIRES THAT DOE TREAT ONLY THAT AMOUNT THAT IS IN STORAGE. IF RH MLLW IN THE TREATABILITY GROUPS SUBJECT TO THIS MILESTONE GENERATED DURING THE PERIOD FROM 12/31/02 THROUGH 6/30/09 IS TREATED TO LDR STANDARDS PRIOR TO DELIVERY TO STORAGE OR DISPOSAL, THE ORIGINAL PRE-TREATMENT VOLUME OF THAT WASTE SHALL BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. EXCEPT FOR WASTE ALREADY IN PERMITTED STORAGE, TREATMENT OF CERCLA WASTE WILL NOT BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. RSW DETERMINED TO BE TREATABILITY GROUP MLLW-07 WASTE WILL BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. IF~~

	<p>ACTUAL VOLUMES OF NEWLY GENERATED OR RETRIEVED RH <del>AND BOXES</del> AND LARGE CONTAINER MLLW ARE SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES, THIS MILESTONE WILL BE REVISED TO REFLECT ACTUAL VOLUMES.</p> <p>4. EACH ELEMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.</p>	
M-91-44	<p>REGARDING: (1) NEWLY GENERATED RH TRANSURANIC WASTE; (2) NEWLY GENERATED <del>BOXES AND</del> LARGE CONTAINERS OF CH-TRANSURANIC WASTE; (3) RH TRANSURANIC WASTE CURRENTLY IN ABOVE GROUND STORAGE; <del>AND (4) BOXES AND</del> LARGE CONTAINERS OF CH TRANSURANIC WASTE CURRENTLY IN ABOVE-GROUND STORAGE; AND (5) LARGE CONTAINER OR RH TRANSURANIC WASTE FROM RETRIEVAL.</p> <p>1. DOE SHALL DESIGNATE ALL RH TRANSURANIC WASTE <del>AND BOXES AND</del> LARGE CONTAINERS OF CH TRANSURANIC WASTE CURRENTLY IN ABOVE- GROUND STORAGE (AS OF JUNE 30, 2003) ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2016 <del>2012</del>.</p> <p>2. DOE SHALL DESIGNATE ALL NEWLY GENERATED RH TRANSURANIC WASTE <del>AND BOXES</del> AND LARGE CONTAINERS OF TRANSURANIC WASTE AT THE POINT OF GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100.</p> <p>3. DOE SHALL BEGIN TREATING RH TRUM AND LARGE CONTAINERS OF CH TRUM BY JUNE 30, 2016, AND PROCESS AT LEAST 200 CUBIC METERS OF THIS WASTE BY JUNE 30, 2018. DOE SHALL BEGIN TREATING RH TRUM <del>AND BOXES AND</del> LARGE CONTAINERS OF CH TRUM TO MEET LDR TREATMENT REQUIREMENTS AT A MINIMUM RATE OF 600 <del>300</del> CUBIC METERS PER YEAR BEGINNING NO LATER THAN JUNE 30, 2018 <del>2012</del>. IF THERE ARE NOT 600 <del>300</del> CUBIC METERS OF RH TRUM <del>AND BOXES AND</del> LARGE CONTAINERS OF CH TRUM IN STORAGE IN ANY GIVEN YEAR, THIS MILESTONE REQUIRES THAT DOE TREAT ONLY THAT AMOUNT</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>

THAT IS IN STORAGE AND THE MILESTONE WILL BE CONSIDERED MET AS LONG AS ALL OF THIS TYPE OF WASTE THAT IS GENERATED OR RETRIEVED IS TREATED OR CERTIFIED WITHIN THE TIMEFRAME ESTABLISHED BY THE STORAGE PROHIBITION REQUIREMENTS OF 40 CFR 268.50. IF ACTUAL VOLUMES OF NEWLY GENERATED OR RETRIEVED RH TRUM AND BOXES AND LARGE CONTAINER TRUM ARE SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES, THIS MILESTONE WILL BE REVISED TO REFLECT ACTUAL VOLUMES.

4. AS TO NEWLY GENERATED RH TRUM GENERATED AFTER 12/31/18 THAT IS DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH -100 AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT ~~TO MEET LDR REQUIREMENTS WITHIN ONE YEAR OF GENERATION.~~ OR CERTIFY IN LIEU OF TREATMENT SUCH WASTE WITHIN THE TIMEFRAME ESTABLISHED BY THE STORAGE PROHIBITION REQUIEMETNS OF 40 CFR 268.50.
5. DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF RH AND LARGE CONTAINER TRANSURANIC WASTE ~~SUCH WASTES FOR DISPOSAL AT WIPP IN LIEU OF LDR~~ TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION, AND ONLY IF, AS OF THE TIME OF CERTIFICATION, SUCH WASTE IS EXEMPT FROM LDR TREATMENT REQUIREMENTS WHEN DISPOSED AT WIPP. IF DOE CHOOSES TO CERTIFY IN LIEU OF TREATMENT, IT MAY MEET THE VOLUME REQUIREMENTS SPECIFIED IN THIS MILESTONE FOR ANY GIVEN YEAR BY CERTIFYING RH OR LARGE CONTAINER TRU OR RH OR LARGE CONTAINER TRUM. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION LETTER.

NOTE: THE REQUIREMENTS OF ITEMS 3, 4, AND 5 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN *WASHINGTON V. ABRAHAM*, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.

	6. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.	
M-91-45	BY SEPTEMBER 30 OF EACH YEAR, DOE SHALL SUBMIT TO ECOLOGY A REPORT DESCRIBING COMPLETED AND SCHEDULED WORK RELATING TO RH WASTE AND BOXES AND LARGE CONTAINERS OF RH AND CH WASTE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS MILESTONE SERIES. DOE'S REPORTS WILL DOCUMENT WORK COMPLETED DURING THE PREVIOUS FEDERAL FISCAL YEAR AND WORK SCHEDULED FOR THE COMING FISCAL YEAR. DOE'S REPORTS SHALL IDENTIFY BY CITATION ALL PUBLICLY AVAILABLE REPORTS DESCRIBING PERTINENT PROJECT ISSUES AND ACCOMPLISHMENTS, AND SHALL IDENTIFY ANTICIPATED PROJECTS FOR THE COMING YEAR.	9/30/2004 AND ANNUALLY THEREAFTER

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